

(7)

C.F. 2002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No. 1193 /2001 (P. I. L.)

PETITIONERS

- : 1. Dr. Goju Paul
S/o R.D. Paul,
aged about 34 years
Working President of
Republic Party of India,
State of Chhattisgarh
R/o Laxmi Nagar, Pachpedhi
Naka, Raipur.
2. Murarilal Awasthi
S/o Late Laxmi Narayan
Awasthi, aged about 35 years
R/o Village- Khamtarai,
Bilaspur.

P. R. No. 1237/01
Presented by Shri. Pragatishakti
dated 18.7.2001

- Versus -

RESPONDENTS

- : 1. State of Chhattisgarh
through: Secretary,
Department of Home, Mantralaya,
Shastri Chowk, Raipur.
2. Nand Kumar Patel
S/o
aged about 45 years,
At present Home Minister,
Department of Home, Mantralaya,
Shastri Chowk, Raipur.
3. Secretary,
Department of Health, Mantralaya,
Shastri Chowk, Raipur.
4. Maharshi Ved Vigyan Vidya
Pitham (Registered Trust)
Maharshi Nagar, Dadri Road
Noida District-Gajiabad (U.P.)



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5. Maharshi Vedic Swasthya
Awam Anusandhan Kendra
through: its Executive Director,
Shri Virendra Patel,
Garha, Jabalpur(M.P.)
6. Superintendent of Police,
Bilaspur.
7. Collector (the then)
Bilaspur.
8. V.K.Mishra,
S/o
aged about 48 years,
Town Inspector,
Police Station-Civil Lines,
Bilaspur.
9. S.P.Singh
S/o
aged about 46 years,
Town Inspector,
Police Station- City Kotwali,
Bilaspur.
10. Ganesh Kumar Agarwal,
S/o Hanuman Prasad Agarwal,
aged about 24 years
R/o New Sarkanda,
Bilaspur.
11. Chattisgarh Swasthya Awam
Manav Kalyan Samiti
through: its Secretary,
Imlipara, Bilaspur.
12. Chief Medical and Health Officer,
District Hospital,
Bilaspur.



PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA IN PUBLIC INTEREST
FOR ISSUANCE OF WRIT OF CERTIORARI, MANDAMUS
PROHIBITION AND FOR FURTHER APPROPRIATE
DIRECTIONS OR ORDERS.

आदेश पत्रक

W.P.no.1193/2001

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
1_8-2001	Shri Prashant Jayaswal for the petitioners. Shri N.K. Shukla, Dy.A.G., for the State. Heard. During the course of arguments, Dr. Shukla submitted that the petitioners had joined respondents no.2,6 and 7 unnecessarily and no cause has been shown for it. Shri Jayaswal submitted that he himself had advised the petitioners not to join respondents no.2,6 and 7. This petition has been filed styling as public interest ~~in~~ litigation. The dispute is already pending in the Courts and certain documents have been filed to that effect. Counsel for the petitioners submits that petitioner no.1 Dr.Goju Paul is a public spirited person and the petitioner no.2 Murarilal Awasthy is son of Laxmi Narayan Awasthy, who has been treated and given medical facilities in the hospital run by respondent no.11. The dispute is pending in the Courts and one of the Civil Revision No.1050/2000 filed by Maharshi Vedic Swasthya Evam Anusandhan Kendra through its Executive Director Virendra Patel is pending even in the High Court. In the said revision petition, some intervention application has also been filed.	

[यदि देखिये]

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

WP No.1193/2001

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	- 2 - So far as the parties having right or interest in lease are concerned, the matter is being adjudicated between them. One of the grounds raised in the petition appears that the news flashed in the newspaper to the effect that the owners of the building where the hospital is running reached in the hospital and tried to lock the same. The Officers of the Chhattisgarh Manav Kalyan Sewa Samiti objected and locked the hospital from inside. Thereafter, the dispute arose. The police reached on the spot and controlled the situation. Dr.Shukla, Dy.A.G., submits that if police reaches on spot on getting of information, then how the Collector and the Superintendent of Police and certain other persons are responsible. We repeatedly asked the petitioners' counsel to satisfy us regarding the maintainability and the locus as well as the right. He was asked to read the affidavit. The affidavit does not contain the required details. We have considered the matter and found that since litigations are going on between the rival parties already in civil court and revision is also pending where respective	

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XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 1193/2001 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

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	- 3 - rights are being adjudicated and even intervention application is filed in revision, it is in the public interest not to entertain the present petition. In the case of <u>Malik Brothers vs. Narendra Dadhich and others</u>, reported in 2000 (1)JLJ 36, the Apex Court has held that if in the garb of public interest litigation, actually an individual's interest is sought to be carried out or protected, it would be the bounden duty of the Court not to entertain such petition as otherwise the very purpose of innovation of public interest litigation will be frustrated. Rules of prudence and caution also require that the rights of the affected parties may also be protected. We do not find any merit in the petition. The petition is accordingly dismissed with costs. So far as Shri Prashant Jayaswal, learned counsel for the petitioners is concerned, during course of argument though he has expressed that he had advised his clients not to join respondents no. 2, 6 and 7 as the Court gets annoyed or it may be taken otherwise, we do not wish to dwell further as parties are to be joined as per law, if	

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XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No.1193/2001

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

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	- 4 - required, and this Court has no malice towards anyone. The Courts have to and do perform constitutional obligations towards one and all. Shri Jayaswal submitted an apology ~~xxxxxxxxxxxx~~ which appears to be from the bottom of heart. It is accepted. He has however to be careful. Sd/- Chief Justice	Sd/- Fakhruddin Judge

H/-
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